S.B. CIVIL WRIT PETITION NO.1778/2005
Malkeet Singh & Anr. Vs. State of Raj. and others.

Date : 29.3.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. G.J. Gupta, for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners are aggrieved against the alleged order which was passed by the Executive Engineer, Gang Canal North Division, Sri Ganganagar by which according to the petitioner, the department is going to change the water flow of the irrigation facility to the field of the petitioner by changing the design of the outlet itself.

According to learned counsel for the petitioners, no notice was given to the petitioners before taking a decision to change the irrigation facility to the petitioners' field.

According to learned counsel for the petitioners, the Rules require opportunity of hearing to the persons affected and this Court in number of judgments have laid down that no change in existing water channel can be made by the authorities without affording opportunity of hearing to the aggrieved persons.

It appears that vide Annexure-4, a number of outlets are sought to be changed and for that purpose, the proposal was prepared and appears to have been approved. The

petitioner have not approached the concerned authorities by making representation, therefore, it will be just and proper to raise the grievance before the concerned authority first so that the facts may be brought to the notice of the concerned authority and those facts may be looked into by the concerned authorities and it can be found out whether the petitioner will suffer any loss or not ?

In view of the above, since the petitioners have preferred writ petition, without even serving the notice for demand justice, therefore, the writ petition is disposed of with permission to the petitioners to submit a representation to the concerned authority for redressal of their grievances and the concerned authority will decide the same by a brief order in accordance with the Rules within a period of two months from the date of receipt of certified copy of this order.

In case any grievance remains, the petitioners are given liberty to approach again.

(PRAKASH TATIA), J.

S.Phophaliya